

EXHIBIT A

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF TEXAS
4 MARSHALL DIVISION

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6 PA ADVISORS, LLC, : NO.2:07-CV-480-DF
7 :
8 :
9 Plaintiff, :
10 :
11 VS. :
12 :
13 :
14 GOOGLE INC., et al., :
15 :
16 Defendants. :
17 :
18 -----

11 DATE: August 19, 2009

12 TIME: 9:47 a.m.

13
14 Deposition of ILYA GELLER, taken by and
15 before JOYCE SILVER, a Certified Shorthand Reporter
16 and Notary Public of the State of New York, and,
17 PHILIP GLAUBERSON, Videographer, held at the office
18 of STROOCK, STROOCK & LAVAN, 767 Third Avenue, New
19 York, New York.

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24
25 Job No.: 212395

<div>2</div> <div>1 2 APPEARANCES: 3 Attorneys for Plaintiff 4 RUSS AUGUST & KABAT 12424 Wilshire Boulevard 5 Los Angeles, California 90025 BY: MARC A. FENSTER, ESQ. 6 7 Attorneys for Defendant, Google Inc. 8 QUINN, EMANUEL, URQUHART, OLIVER & HEDGES, LLP 555 Twin Dolphin Drive 9 Suite 560 Redwood Shores, California 94065 10 BY: BRIAN C. CANNON, ESQ. And 11 EUGENE NOVIKOV, ESQ. 12 Attorneys for Defendant Yahoo 13 HOWREY LLP 321 North Clark Street Chicago, Illinois 60654 15 BY: JASON C. WHITE, ESQ. 16 ALSO PRESENT: Erich Spangenberg 17 18 19 20 21 22 23 24 25</div>	<div>4</div> <div>1 2 3 4 STIPULATIONS 5 6 IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective 7 parties hereto that filing and sealing be one and the 8 same are hereby waived. 9 10 IT IS FURTHER STIPULATED AND AGREED that all objections except as to the form of the question, 11 shall be reserved to the time of the trial. 12 13 IT IS FURTHER STIPULATED AND AGREED that 14 the within examination may be signed and sworn to 15 before any officer authorized to administer an oath 16 or notary public, with the same force and effect as 17 though signed and sworn to before the officer before 18 whom the within deposition was taken. 19 20 21 22 23 24 25</div>
<div>3</div> <div>1 2 INDEX 3 WITNESS DIRECT CROSS REDIRECT RECROSS 4 ILYA GELLER 5 BY MR. CANNON 6 154 6 BY MR. FENSTER 128 7 8 EXHIBITS 9 NUMBER DESCRIPTION PAGE 10 Exhibit 16, Patent Purchase agreement, 101 Bates Nos. PA 0001210-22 11 Exhibit 17, Panel Summary No. 1 119 12 Exhibit 18, Letter, Bates Nos. Geller 137 031979-91 13 Exhibit 19, Letter, Bates No. Geller 139 033081 14 Exhibit 20, Letter, Bates Nos. Geller 140 033083 15 exhibit 21, Letter, Bates Nos. Geller 140 034109-10 16 Exhibit 22, Document entitled, "The New 141 Search Technology," Bates Nos. Geller 054521-28 17 Exhibit 23, E-mail dated 8/27/01, Bates 143 No. Brin 00000001 18 Exhibit 24, Letter dated 6/14/05 147 19 Exhibit 25, Documents Bates Nos. PA 152 0001419-1530 20 21 22 23 24 25</div>	<div>5</div> <div>1 2 THE VIDEOGRAPHER: My name is Philip 3 Glauberson of Veritex Corporate Services. The date 4 today is August 19, 2009 and the time is 5 approximately 9:47 a.m. 6 This deposition is being held in the 7 office of Stroock, Stroock and Lavan located at 8 767 Third Avenue, New York, New York. 9 The caption of this case is PA Advisors 10 LLC versus Google Inc., et al., in the United States 11 District Court, Eastern District of Texas, Marshall 12 Division, No. 2:07-CV-480-DF. 13 The name of the witness is Ilya Geller. 14 At this time the attorneys will identify themselves 15 and the parties they represent, after which our court 16 reporter, Joyce Silver of Veritex, will swear in the 17 witness and we can proceed. 18 MR. FENSTER: My name is Marc Fenster 19 with Russ, August and Kabat on behalf of the 20 Plaintiff nXn Technology, LLC, formally known as PA 21 Advisors LLC, and for the witness. 22 MR. PRIDHAM: David Pridham appearing 23 today on behalf of nXn and Mr. Geller. 24 MR. CANNON: My name is Brian Cannon. 25 I'm with the Quinn Emanuel law firm. I represent</div>

2 (Pages 2 to 5)

<p style="text-align: right;">6</p> <p>1 ILYA GELLER</p> <p>2 Google in this matter. With me is Eugene Novikov,</p> <p>3 also from the Quinn Emanuel firm.</p> <p>4 MR. WHITE: My name is Jason White on</p> <p>5 behalf of defendant Yahoo.</p> <p>6 MARK BERELEKHIS and LENNY KUSHNER, Interpreters of</p> <p>7 the Russian language, are duly sworn by the Notary:</p> <p>8 I L Y A G E L L E R, residing at 2442 East 26th</p> <p>9 Street, Brooklyn, New York 11235, having been duly</p> <p>10 sworn by the Notary, testifies as follows:</p> <p>11 DIRECT EXAMINATION BY MR. CANNON:</p> <p>12 Q. Good morning --</p> <p>13 MR. FENSTER: Brian, excuse me one</p> <p>14 second. Let me just make a statement for the record.</p> <p>15 This notice -- this deposition was originally noticed</p> <p>16 by plaintiff. It was cross-noticed by defendants, by</p> <p>17 Google for defendants. We have agreed that</p> <p>18 defendants will proceed first for three hours, that</p> <p>19 they will have three hours to split for all</p> <p>20 defendants; and that they will go first, and that</p> <p>21 plaintiffs will take three hours to the extent the</p> <p>22 witness is available -- able to go on after the</p> <p>23 morning questioning, and that's how we will proceed</p> <p>24 today; is that correct?</p> <p>25 MR. CANNON: That is correct for today.</p>	<p style="text-align: right;">8</p> <p>1 ILYA GELLER</p> <p>2 oath that's given in court as if you were testifying</p> <p>3 in court. Do you understand that?</p> <p>4 A. I do.</p> <p>5 Q. And you are currently testifying in</p> <p>6 English and we have two translators here today. So</p> <p>7 if a problem arises with a question or an answer in</p> <p>8 English, we have translators that can help us. Okay?</p> <p>9 If you need a break at any point, please</p> <p>10 let me know. I understand you are -- you are ill, so</p> <p>11 I will try -- do my best to -- to move things along</p> <p>12 and accommodate that as best I can. I understand</p> <p>13 you're suffering from multiple sclerosis; is that</p> <p>14 correct?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Will that illness affect your testimony</p> <p>17 today in any way?</p> <p>18 MR. FENSTER: Object to the form.</p> <p>19 A. I think yes.</p> <p>20 Q. How will it effect the testimony?</p> <p>21 A. I have MS. I have problems with my</p> <p>22 memory and I have problems with my thinking. Because</p> <p>23 you see this weather is very bad for me. It's</p> <p>24 exactly the weather -- the kind of weather that is</p> <p>25 bad for MS because with people with MS cannot -- you</p>
<p style="text-align: right;">7</p> <p>1 ILYA GELLER</p> <p>2 Obviously we understand the witness is ill and we</p> <p>3 will do what we need to do to accommodate his illness</p> <p>4 and make this as pain free as possible. To the</p> <p>5 extent we need additional time, we can work</p> <p>6 cooperatively with you to make that happen.</p> <p>7 MR. FENSTER: I have also advised that,</p> <p>8 while you're certainly free to -- we will discuss</p> <p>9 with you whether additional time is appropriate or</p> <p>10 possible after today. I have advised defendants they</p> <p>11 should regard the time they have today as if it's the</p> <p>12 time they will get with the witness and should</p> <p>13 proceed accordingly.</p> <p>14 MR. CANNON: Let's proceed.</p> <p>15 Q. Good morning, Mr. Geller.</p> <p>16 A. Good morning.</p> <p>17 Q. My name is Brian Cannon. I am an</p> <p>18 attorney for Google. I will be asking you a series</p> <p>19 of questions today. Have you ever been deposed</p> <p>20 before?</p> <p>21 A. Never.</p> <p>22 Q. This is the first time?</p> <p>23 A. Yes.</p> <p>24 Q. So I will be asking you a series of</p> <p>25 questions, and you've taken an oath which is the same</p>	<p style="text-align: right;">9</p> <p>1 ILYA GELLER</p> <p>2 are looking all of you. All of you are looking at</p> <p>3 me. It's bad weather for me. It's very bad. I am</p> <p>4 bad in hot and humid weather. I am very bad, with my</p> <p>5 memory.</p> <p>6 Q. Are you taking any medications that might</p> <p>7 effect your testimony today?</p> <p>8 A. Yes. I take stem cells in Russia for MS,</p> <p>9 and actually with stem cells start to work a few</p> <p>10 weeks ago and it affects a lot -- it affects my</p> <p>11 health a lot.</p> <p>12 Q. Was -- does the stem cell treatment you</p> <p>13 referenced, affect your ability to provide testimony</p> <p>14 today?</p> <p>15 A. Nobody knows. I'm the only one who tries</p> <p>16 this kind of cure of treatment. No statistics --</p> <p>17 nobody knows. So I can't say for sure does or does</p> <p>18 not. My treatment influences my health condition, my</p> <p>19 ability to think and to remember things.</p> <p>20 Q. Mr. Geller, we're going to -- I'm going</p> <p>21 to be asking you questions today, and we are going to</p> <p>22 be looking at some documents. So I'm going to pass</p> <p>23 you the first document. It's -- it's already been</p> <p>24 marked as Exhibit 6 in this lawsuit and it is US</p> <p>25 Patent 6199067.</p>

3 (Pages 6 to 9)

<p style="text-align: right;">126</p> <p>1 ILYA GELLER</p> <p>2 the page that bears the label Etkin 000239.</p> <p>3 A. 002.</p> <p>4 Q. 239 are the final three digits.</p> <p>5 A. 239, right.</p> <p>6 Q. And let me know when you're there.</p> <p>7 Perfect.</p> <p>8 This is the results of a -- of an</p> <p>9 international search report, and my question to you</p> <p>10 is: Have you seen this -- do you have a memory of</p> <p>11 seeing this page back in the 2001-2000 time frame?</p> <p>12 A. This page, I don't remember. Perhaps I</p> <p>13 saw it, but he didn't -- I don't remember he said</p> <p>14 something specific about this. What is it?</p> <p>15 Q. Did you ever instruct Mr. Etkin not to</p> <p>16 pursue a European patent application, that you</p> <p>17 remember?</p> <p>18 A. Ah, yes, I paid a lot of money. I paid</p> <p>19 him a lot of money. He promised me -- he filed for</p> <p>20 Europe and he filed for Canada. He filed for Israel.</p> <p>21 It worth me something like \$12,000 -- yes, or</p> <p>22 \$18,000. I don't remember. I lost all this money.</p> <p>23 Right.</p> <p>24 Q. But you paid him to do that work?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">128</p> <p>1 ILYA GELLER</p> <p>2 Q. Good afternoon, Mr. Geller. I'd like to</p> <p>3 ask you a few questions. I understand that it's</p> <p>4 getting later in the day and you mentioned that</p> <p>5 you're getting tired. Can you tell us how you're</p> <p>6 feeling?</p> <p>7 A. Yes, I am tired a lot because, you see.</p> <p>8 Q. Are -- are you okay to answer questions</p> <p>9 for a little bit?</p> <p>10 A. Just a little, yes, a little bit, please.</p> <p>11 Q. Where did you grow up?</p> <p>12 A. Russia, Ulyanovsk, middle Russia.</p> <p>13 Q. And when did you immigrate to the</p> <p>14 United States?</p> <p>15 A. 12th of December, 1992.</p> <p>16 Q. When were you born, Mr. Geller?</p> <p>17 A. 4th of June, 1969.</p> <p>18 Q. 1969?</p> <p>19 A. Yes.</p> <p>20 Q. So you're about 23 years old when you</p> <p>21 immigrated; is that right?</p> <p>22 A. Yes, I am.</p> <p>23 Q. Did you -- so you did your early</p> <p>24 education in -- in Russia?</p> <p>25 A. Yes, I did.</p>
<p style="text-align: right;">127</p> <p>1 ILYA GELLER</p> <p>2 Q. Could you answer audibly?</p> <p>3 A. Yes, I -- I paid him.</p> <p>4 MR. CANNON: Let's take a short break.</p> <p>5 THE VIDEOGRAPHER: We are going off the</p> <p>6 record. The time is approximately 2:22 p.m.</p> <p>7 (Recess taken.)</p> <p>8 THE VIDEOGRAPHER: We're going on the</p> <p>9 record. The time is approximately 2:38 p.m.</p> <p>10 BY MR. CANNON:</p> <p>11 Q. Mr. Geller, I only have a few more</p> <p>12 minutes the three hours that I have today, and I</p> <p>13 would like to reserve whatever time I have left for</p> <p>14 potential cross-examination after counsel may ask you</p> <p>15 questions, but thank you for your time today.</p> <p>16 MR. FENSTER: You had to go on the record</p> <p>17 with that. All right. Why don't we go off the</p> <p>18 record and -- okay, let's go off the record and take</p> <p>19 a break.</p> <p>20 THE VIDEOGRAPHER: We are going off the</p> <p>21 record. The time is approximately 2:38 p.m.</p> <p>22 (Recess taken.)</p> <p>23 THE VIDEOGRAPHER: We're going on the</p> <p>24 record. The time is approximately 2:52 p.m.</p> <p>25 CROSS-EXAMINATION BY MR. FENSTER:</p>	<p style="text-align: right;">129</p> <p>1 ILYA GELLER</p> <p>2 Q. What did you study in Russia?</p> <p>3 A. Civil engineering and also I study</p> <p>4 mainframe computer. Mainframe. Mainframe and civil</p> <p>5 engineering. A little bit.</p> <p>6 Q. Tell us a little bit about your</p> <p>7 education. I don't know how the education system</p> <p>8 works in Russia, so tell us a little bit about how</p> <p>9 the education system works from early school,</p> <p>10 elementary or grammar school on.</p> <p>11 A. I studied a lot of science. I studied</p> <p>12 mathematics, physics. I studied civil engineering, I</p> <p>13 studied different kinds of mechanics, whatever,</p> <p>14 because it was required in high school, but it was</p> <p>15 not the one -- it wasn't the education -- the -- the</p> <p>16 education I looked for because I -- because it didn't</p> <p>17 give me what I looked for. And actually I was in</p> <p>18 college for only four years because usually five</p> <p>19 years are required. At the end of my fourth year, I</p> <p>20 left the college and actually I didn't study anything</p> <p>21 else in Russia. It was '90 -- '94, '93, I don't</p> <p>22 remember exactly.</p> <p>23 Q. That was 1990 or 1991; is that right?</p> <p>24 A. Yes, I believe so, but I'm not sure. I'm</p> <p>25 not sure.</p>

<p style="text-align: right;">130</p> <p>1 ILYA GELLER</p> <p>2 Q. Where did you go to college in Russia?</p> <p>3 A. The same college in the same city</p> <p>4 Ulyanovsk Polytechnical Institute.</p> <p>5 Q. And tell me a little bit about your</p> <p>6 family. Your -- did you come from a big family? How</p> <p>7 many brothers and sisters did you have?</p> <p>8 A. I -- I have only one brother -- brother.</p> <p>9 The family is in Russian at the time. We are not big</p> <p>10 and my parents had only two children, me and my</p> <p>11 brother. My brother was a civil engineer and he --</p> <p>12 he continues the same career. He became estimator in</p> <p>13 the companies -- a company. I don't know which one.</p> <p>14 He became an estimator, he makes money, right.</p> <p>15 And my father, he was also a civil</p> <p>16 engineer. Civil engineer and he build factories,</p> <p>17 whatever. My mother was a teacher. She taught</p> <p>18 economy in college. Right. But finally we</p> <p>19 immigrated to this country and my brother, like I</p> <p>20 told you, continued his career and my mother</p> <p>21 become -- she's old and she became -- she got SSI and</p> <p>22 now she retires. Father died in here.</p> <p>23 Q. When did your father pass away?</p> <p>24 A. '97, September of '97.</p> <p>25 Q. And did your mother work when she came</p>	<p style="text-align: right;">132</p> <p>1 ILYA GELLER</p> <p>2 camps and during the war. Yes.</p> <p>3 Q. What was it like for you growing up as a</p> <p>4 Jewish person in -- in Russia?</p> <p>5 A. Not pleasant, not pleasant at all because</p> <p>6 all the -- of anti-Semitism. And also I grew up in a</p> <p>7 small provincial town and it was awful. Because you</p> <p>8 see I had nothing to do. I am a creator. I have a</p> <p>9 spirit of creator. I -- yes, and it wasn't -- could</p> <p>10 I ask the translator?</p> <p>11 (Speaks Russian.)</p> <p>12 MR. BERELEKHIS: It was a very stifling</p> <p>13 atmosphere I grew up.</p> <p>14 A. Yes, definitely stifling atmosphere in</p> <p>15 this town. Right. And I decided -- finally I</p> <p>16 decided that I have nothing to find in Russia,</p> <p>17 especially after Perestroika, and I decided to escape</p> <p>18 to the United States because I had nothing in there.</p> <p>19 Q. What did you want to do when you came --</p> <p>20 why did you decide to come to the United States?</p> <p>21 A. I -- it's very strange, I know,</p> <p>22 especially it was strange for my parents and for all</p> <p>23 my relatives. I wanted to become a scientist and</p> <p>24 I -- I decided to start from philosophy because I</p> <p>25 studied precise sciences like math and physics for</p>
<p style="text-align: right;">131</p> <p>1 ILYA GELLER</p> <p>2 here?</p> <p>3 A. Yes, she did.</p> <p>4 Q. And what did she do?</p> <p>5 A. She was a teacher in college.</p> <p>6 Q. And tell me a little bit about your --</p> <p>7 your mother and father, if you can, sort of their</p> <p>8 background.</p> <p>9 A. Nothing special. My father was just a</p> <p>10 manager, civil engineer. He managed something called</p> <p>11 factory. Factories. He built factories and my</p> <p>12 mother, she was just a teacher. Nothing -- nothing</p> <p>13 extraordinary. Nothing -- nothing that special.</p> <p>14 Q. Were your parents survivors of the</p> <p>15 concentration camps?</p> <p>16 A. Yes, my mother was in a concentration</p> <p>17 camp but, fortunately for her, she survived. She was</p> <p>18 two years old and -- when it began and actually she</p> <p>19 lost a lot in the concentration camp.</p> <p>20 My father, he was more lucky than my</p> <p>21 mother. He was lucky -- luckier than my mother. He</p> <p>22 could escape Germans and spend what time in the part</p> <p>23 that wasn't occupied. So I was just -- my parents</p> <p>24 were lucky, yes, and -- but, actually, my parents'</p> <p>25 families were killed by Germans in concentration</p>	<p style="text-align: right;">133</p> <p>1 ILYA GELLER</p> <p>2 many years, and -- but they didn't give me</p> <p>3 satisfaction, and I decided to try philosophy. So</p> <p>4 when I came to America, I tried to go -- to go to</p> <p>5 college and to study philosophy.</p> <p>6 Q. And did you go to college in America when</p> <p>7 you came here to study philosophy?</p> <p>8 A. Yes, I came to Brooklyn College and I</p> <p>9 studied philosophy in Brooklyn College till I could.</p> <p>10 Q. Until what?</p> <p>11 A. Till I could, until I can do it -- could</p> <p>12 do it.</p> <p>13 Q. And when did you start in college? You</p> <p>14 immigrated in 1992?</p> <p>15 A. '94. '94. Before I started another</p> <p>16 college I start computer science, I don't remember</p> <p>17 mostly mainframe. I don't remember the name of the</p> <p>18 college. I can't give you the dates -- dates, but I</p> <p>19 studied computer science for half of the year goes</p> <p>20 something like this.</p> <p>21 Q. Is it common or was it common in your</p> <p>22 experience for -- you mentioned that you studied</p> <p>23 precise sciences earlier?</p> <p>24 A. Uh-huh.</p> <p>25 Q. And that you spent many years doing that.</p>

<p style="text-align: right;">134</p> <p>1 ILYA GELLER 2 Right? 3 A. Yes, right. 4 Q. And is it sort of a natural progression 5 to study philosophy after that in your experience? 6 MR. CANNON: Objection, leading. 7 Q. Go ahead. 8 A. I think, yes. Yes, because I didn't find 9 anything what I looked for, I didn't find it. I 10 couldn't find it in precise sciences. In math or 11 physics or whatever, I couldn't find what -- or 12 chemistry, I studied a lot of things because in 13 Russia in college we teach you everything. I knew 14 chemistry. I knew physics. I knew mathematics. I 15 knew many other disciplines. If you want, I can tell 16 you. 17 Q. Did many of the other students or 18 teachers of philosophy that you met and encountered 19 during your study of philosophy, have such 20 backgrounds in precise sciences? 21 A. None. None at all. Nobody. 22 Q. Do you have any understanding as to why 23 that is? 24 A. Yes, I do. Because -- because 25 humanities, humanities are dead for the past 60</p>	<p style="text-align: right;">136</p> <p>1 ILYA GELLER 2 that idea before you? 3 MR. CANNON: Objection, form. 4 A. Because, first of all, computers -- our 5 last great philosophers lived, let's say, 80 years 6 ago, 70 years ago. And at that time, computers 7 didn't exist, first of all. 8 And, second, today all of them, except 9 Wittgenstein, followers of Hegel, followers of Hegel 10 and -- what -- and Google actually helped me to prove 11 it, Google and Yahoo, because we did it and I 12 couldn't -- I couldn't -- I didn't have money and I 13 was ill, but they helped me to prove that Hegel was 14 wrong. And also Russell and all his Vienna cycle are 15 wrong. The computer didn't exist at that time. 16 So in the -- like I told you, no money in 17 philosophy, nobody came to philosophy. It happened 18 this way. So nobody, I can say it for sure, 19 absolutely. 20 Q. Is it your belief that it was your 21 background in philosophy that enabled you to 22 transform Internet search? 23 MR. CANNON: Objection, form, leading. 24 A. Yes, it is. It's the only thing that 25 helped me to come to the idea because</p>
<p style="text-align: right;">135</p> <p>1 ILYA GELLER 2 years, 70, 80 years. Nothing new is going on in 3 humanities. Psychology, philosophy, and people 4 ambitions do not come to philosophy because you can't 5 find money or honor in philosophy, nothing. 6 Q. You mentioned earlier in your testimony 7 that you had a feeling during this cab ride in 1998, 8 August 1998, that you might be able to develop an 9 idea to apply philosophy to Internet search; is that 10 right? 11 MR. CANNON: Objection to form and 12 leading. 13 MR. WHITE: If one of us objects, it is 14 for both of us so I don't have to say it. 15 MR. FENSTER: Certainly. 16 A. Yes, it is. 17 Q. And to your knowledge, are you the first 18 to have the idea that you did about applying 19 philosophy to Internet search? 20 MR. CANNON: Objection to form. Leading. 21 A. Absolutely. I know it for sure. 22 Absolutely. I know, I know what happened in 23 philosophy for the past 3,000 years and I know I'm 24 the first. 25 Q. So why do you think that no one came to</p>	<p style="text-align: right;">137</p> <p>1 ILYA GELLER 2 personalization, I couldn't come to the idea -- how 3 many thousands, tens of thousands of very good paid 4 scientists in the world and none of them could do -- 5 could come to the idea of personalization, nobody. 6 It's practically impossible. 7 Q. You testified earlier that you tried to 8 commercialize your invention; is that right? 9 A. All the time. All of the time. 10 Q. And you mentioned some of the things that 11 you did to try to commercialize that. I would like 12 to show you some documents and ask you a few 13 questions about that with respect to your efforts to 14 commercialize. 15 A. Uh-huh. 16 MR. FENSTER: Do you know the next in 17 order that we are up to? 18 MR. CANNON: 18, it is. 19 MR. FENSTER: I would like to ask the 20 court reporter to mark as the next exhibit a document 21 bearing Bates Nos. Geller 31979 through 319881. 22 (Exhibit 18, Letter, Bates Nos. Geller 23 031979-91 is received and marked for identification.) 24 Q. Mr. Geller, do you recognize Exhibit 18? 25 A. I think yes, I do. Yes.</p>

35 (Pages 134 to 137)

<p style="text-align: right;">142</p> <p>1 ILYA GELLER</p> <p>2 Search Technology," Bates Nos. Geller 054521-28 is</p> <p>3 received and marked for identification.)</p> <p>4 Q. Mr. Geller, I -- I know it's getting late</p> <p>5 in the day, but I need you to wait for a question and</p> <p>6 just respond to the questions. Okay?</p> <p>7 A. Uh-huh.</p> <p>8 Q. I'll try to wrap up as soon as I can.</p> <p>9 Do you recognize Exhibit 22?</p> <p>10 A. Yes, I do.</p> <p>11 Q. What is it?</p> <p>12 A. It's an exception from my business plan</p> <p>13 exception.</p> <p>14 MR. BERELEKHIS: Excerpt.</p> <p>15 A. Excerpt, right.</p> <p>16 Q. It's an excerpt from your business plan?</p> <p>17 A. Yes, it is.</p> <p>18 Q. And it's entitled, or it says at the top,</p> <p>19 "White Paper."</p> <p>20 A. It is.</p> <p>21 Q. What does that mean?</p> <p>22 A. It means that I look for money, and</p> <p>23 people that wrote the business plan for me, they're</p> <p>24 people that wrote the business plan for me said that</p> <p>25 I could put this on my site for people who would</p>	<p style="text-align: right;">144</p> <p>1 ILYA GELLER</p> <p>2 Brin.</p> <p>3 Q. So earlier, defendant's counsel was</p> <p>4 asking you about -- about communications with</p> <p>5 Mr. Brin or with Google and you referred to an E-mail</p> <p>6 from 2001. Do you recall that testimony?</p> <p>7 MR. CANNON: Objection, form. Misstates</p> <p>8 the testimony.</p> <p>9 A. Yes, I do.</p> <p>10 Q. Is this the E-mail that you were</p> <p>11 referring to?</p> <p>12 A. Yes --</p> <p>13 MR. CANNON: Objection to form. Leading.</p> <p>14 Q. Go ahead.</p> <p>15 A. Yes, I did.</p> <p>16 Q. Did you prepare this E-mail?</p> <p>17 MR. CANNON: Objection, form, leading.</p> <p>18 A. Yes, I did.</p> <p>19 Q. Did you send it?</p> <p>20 A. Yes, I did.</p> <p>21 Q. To whom did you send it?</p> <p>22 A. Sergey Brin.</p> <p>23 Q. When did you send it?</p> <p>24 A. 27th of July, 2001.</p> <p>25 Q. Why did you send it?</p>
<p style="text-align: right;">143</p> <p>1 ILYA GELLER</p> <p>2 come. I don't remember which site is it. Is it --</p> <p>3 could be -- ah, LexiClone. So I already have -- had</p> <p>4 LexiClone. LexiClone already existed, so I put it at</p> <p>5 LexiClone site so people come to my site could read</p> <p>6 it and invest money with me.</p> <p>7 Q. This -- this document was posted on</p> <p>8 lexiclone.com?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know approximately when it was</p> <p>11 posted on lexiclone.com?</p> <p>12 A. I have no -- honestly, I don't remember,</p> <p>13 but it was posted some -- between, let's say, 2005,</p> <p>14 somewhere in 2004.</p> <p>15 MR. FENSTER: I will ask the court</p> <p>16 reporter to mark as Exhibit 23, a document bearing</p> <p>17 Bates numbers Brin, B-r-i-n 1.</p> <p>18 (Exhibit 23, E-mail dated 8/27/01, Bates</p> <p>19 No. Brin 00000001 is received and marked for</p> <p>20 identification.)</p> <p>21 A. Yes, I already saw this document.</p> <p>22 Q. Do you recognize Exhibit 23?</p> <p>23 A. Yes.</p> <p>24 Q. What is it?</p> <p>25 A. It's a letter to Sergey Brin, Sergey</p>	<p style="text-align: right;">145</p> <p>1 ILYA GELLER</p> <p>2 A. I wanted -- I told you, I saw that Google</p> <p>3 is very ambitious company -- actually, I liked -- I</p> <p>4 liked Google. I liked Google and I liked what they</p> <p>5 did and how they did and I put to communicate to</p> <p>6 incorporate in Google somehow. I thought we would</p> <p>7 buy license, we will combine our efforts because I</p> <p>8 saw what Ser- -- Sergey Brin went in my direction,</p> <p>9 went to personalization and went to all this stuff.</p> <p>10 I just saw that they are so bright, I knew I couldn't</p> <p>11 conduct Yahoo because Yahoo is not a company with</p> <p>12 Yahoo is not a company with -- is very -- could I say</p> <p>13 to you in Russian?</p> <p>14 (Speaks Russian.)</p> <p>15 MR. BERELEKHIS: Yahoo is not a very</p> <p>16 prospective company, promising.</p> <p>17 A. Promising. Promising. Promising company</p> <p>18 and I decided to -- I tried to conduct Google.</p> <p>19 Right. I -- I thought Sergey -- I told you, I --</p> <p>20 Sergey, he speaks Russian and at that time I afraid I</p> <p>21 couldn't speak English at all and even my memory was</p> <p>22 compromised -- was compromised and -- uh-huh.</p> <p>23 MR. WHITE: Objection, non-responsive.</p> <p>24 Q. Mr. Geller, you mentioned this morning</p> <p>25 and just now a few times that in maybe the early</p>

<p style="text-align: right;">146</p> <p>1 ILYA GELLER</p> <p>2 2000s you couldn't speak English?</p> <p>3 A. Yes.</p> <p>4 Q. Was your English less good than it is</p> <p>5 now?</p> <p>6 MR. CANNON: Objection, form, leading.</p> <p>7 A. A lot.</p> <p>8 Q. Why?</p> <p>9 A. MS, multiple sclerosis. It's one of --</p> <p>10 (Speaks Russian.)</p> <p>11 MR. BERELEKHIS: Consequences.</p> <p>12 A. Consequences of the multiple sclerosis.</p> <p>13 It's one of the strongest -- people can speak -- with</p> <p>14 multiple sclerosis we can speak foreign languages and</p> <p>15 you see if I could, it means that -- if not multiple</p> <p>16 sclerosis, English would be -- my English would be</p> <p>17 perfect.</p> <p>18 Q. Was your English -- strike that.</p> <p>19 Did your English deterio -- deteriorate</p> <p>20 as a result of MS?</p> <p>21 MR. CANNON: Objection, leading, form.</p> <p>22 A. (Speaks Russian.)</p> <p>23 A lot.</p> <p>24 MR. FENSTER: Let me ask the court</p> <p>25 reporter to mark Exhibit 24, a document that has been</p>	<p style="text-align: right;">148</p> <p>1 ILYA GELLER</p> <p>2 response to this letter?</p> <p>3 A. No, no.</p> <p>4 MR. CANNON: Objection, form, to the</p> <p>5 preceding question.</p> <p>6 Q. Why didn't -- why didn't you sue Google</p> <p>7 when you didn't get a response in 2005?</p> <p>8 A. First of all, I didn't think about suing</p> <p>9 Google. Actually, I wanted to do business. Listen,</p> <p>10 it's waste of time -- I'm sorry, you are lawyers, I'm</p> <p>11 very sorry but listen, I didn't think to sue</p> <p>12 somebody. I thought how to develop the business.</p> <p>13 I -- because business brings much more money, it does</p> <p>14 something. Suing somebody, sorry, you're lawyers,</p> <p>15 I'm sorry, is no good. Is no good at all. Suing</p> <p>16 someone, I didn't thought to sue somebody. I didn't</p> <p>17 think to sue Google. I thought to sell the license</p> <p>18 and to -- to build the business.</p> <p>19 Q. And why didn't you build the business</p> <p>20 with Google?</p> <p>21 MR. CANNON: Objection to the form.</p> <p>22 A. Google didn't respond and at -- at that</p> <p>23 time I began to travel to Russia and it was -- you</p> <p>24 see this treatment that I got in Russia is a tricky</p> <p>25 one. I mean when -- when I had this treatment I</p>
<p style="text-align: right;">147</p> <p>1 ILYA GELLER</p> <p>2 produced as Bates No. Geller 057383, a letter dated</p> <p>3 June 14, 2005 from Joseph Diamante to David Drummond,</p> <p>4 D-r-u-m-m-o-n-d, at Google.</p> <p>5 MR. CANNON: I will just lodge an</p> <p>6 objection on the record to this document. I</p> <p>7 understand this was produced just -- just yesterday</p> <p>8 and we haven't had a chance to look at it.</p> <p>9 (Exhibit 24, Letter dated 6/14/05 is</p> <p>10 received and marked for identification.)</p> <p>11 A. Yes, I recognize this document.</p> <p>12 Q. What is this document?</p> <p>13 A. I tried to license my -- to license my</p> <p>14 technology to Google because I saw Google begin to</p> <p>15 use my technology to -- to full scale. I mean Google</p> <p>16 began this. Edward started with -- Edward and Google</p> <p>17 started personalization. And I -- is it privilege?</p> <p>18 Could I say what I hired the lawyer?</p> <p>19 Q. Not the fact that you hired him, but any</p> <p>20 communications, you shouldn't reveal any</p> <p>21 communications that you had with counsel.</p> <p>22 A. Right. And Joseph Diamante sent this</p> <p>23 letter for -- for me because I thought Google would</p> <p>24 be interested to license my technology.</p> <p>25 Q. And to your knowledge, was there a</p>	<p style="text-align: right;">149</p> <p>1 ILYA GELLER</p> <p>2 couldn't think about anything because you see before</p> <p>3 that I was in bad condition. It was awful. I --</p> <p>4 I -- I felt very bad. I could work only one or two</p> <p>5 hours per day. And after I went to Russia, it was</p> <p>6 like I came from prison, from prison for life. You</p> <p>7 see, I just began to breathe. I began to think.</p> <p>8 I -- sorry, I just couldn't think about anything at</p> <p>9 that time.</p> <p>10 Q. Let me ask you to take a look quickly at</p> <p>11 the patent purchase agreement which was marked</p> <p>12 earlier as Exhibit 16.</p> <p>13 A. Uh-huh.</p> <p>14 Q. So in 2007, you sold your patent to PA</p> <p>15 Advisors; is that right?</p> <p>16 A. Yes, I did.</p> <p>17 Q. And why did you do that?</p> <p>18 A. First of all, I saw people from PA</p> <p>19 Advisors. I saw -- I met Dave. I met Eric. I saw</p> <p>20 what these are very competent people and they</p> <p>21 understand the stuff. And I knew with my patent will</p> <p>22 be in good hands. It won't lie as a dead burden.</p> <p>23 And secondly, I needed money to continue</p> <p>24 coming to Russia because at that time I didn't have</p> <p>25 any. I didn't have money.</p>

<p style="text-align: right;">150</p> <p>1 ILYA GELLER</p> <p>2 Q. What did you need the money for?</p> <p>3 A. For Russian, because the treatment in</p> <p>4 Russia is astronomically expensive. It's</p> <p>5 outrageously expensive. Right. It's so expensive.</p> <p>6 Q. And you didn't have money to pay for the</p> <p>7 treatment?</p> <p>8 A. No, not at all. I had only Social</p> <p>9 Security and disability and my annual income from</p> <p>10 social security by disability is enough only for --</p> <p>11 for two -- my social security by disability for two</p> <p>12 years is enough to come to Russia once, so I didn't</p> <p>13 have any money. I didn't have any money. I couldn't</p> <p>14 get money from anywhere because I couldn't go even to</p> <p>15 work because, listen, I was -- I was a long time. So</p> <p>16 the patent was the only commodity what I could sell.</p> <p>17 Q. And what do you think would have happened</p> <p>18 to you if you didn't get --</p> <p>19 THE VIDEOGRAPHER: I'm sorry, we need to</p> <p>20 change tape. This will end videotape number three of</p> <p>21 the deposition of Ilya Geller. We are going off the</p> <p>22 record at approximately 3:37 p.m., August 19, 2009.</p> <p>23 (A discussion is held off the record.)</p> <p>24 THE VIDEOGRAPHER: We are now on the</p> <p>25 record, beginning approximately 3:45 p.m., August 19,</p>	<p style="text-align: right;">152</p> <p>1 ILYA GELLER</p> <p>2 documents bearing Bates Nos. PA 1419 through 1530</p> <p>3 (Exhibit 25, Documents Bates Nos. PA</p> <p>4 0001419-1530 is received and marked for</p> <p>5 identification.)</p> <p>6 Q. Mr. Geller, could you look through</p> <p>7 Exhibit 25 and tell me if you recognize it.</p> <p>8 A. I recognize page number one of one. It's</p> <p>9 Unisearch my site before LexiClone came. It's</p> <p>10 Unisearch.</p> <p>11 Q. Are those printouts of the Unisearch --</p> <p>12 do you recognize these as printouts of your website</p> <p>13 unisearch.net at various points in time?</p> <p>14 MR. CANNON: Objection, leading. Form.</p> <p>15 A. Yes, these unisearch.net. Searched on</p> <p>16 the Internet.</p> <p>17 Q. And do you recognize this? Do they look</p> <p>18 like accurate copies of your website?</p> <p>19 MR. CANNON: Objection, form.</p> <p>20 A. I'm not quite sure because a lot of time</p> <p>21 passed away -- passed away but I think, yes, because</p> <p>22 I have this Internet search. I remember. Search on</p> <p>23 the Internet trial version. And also I remember this</p> <p>24 presentation of the Unisearch, right. Yes. And I</p> <p>25 remember this article. It's in Russian. Right.</p>
<p style="text-align: right;">151</p> <p>1 ILYA GELLER</p> <p>2 2009. This will begin videotape number four of the</p> <p>3 deposition of Ilya Geller.</p> <p>4 BY MR. FENSTER:</p> <p>5 Q. Mr. Geller, referring back to Exhibit 16,</p> <p>6 the patent purchase agreement, Google's counsel</p> <p>7 referred you to Section 2.2?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Do you see that?</p> <p>10 A. Uh-huh.</p> <p>11 Q. What's your understanding of that</p> <p>12 provision?</p> <p>13 A. Actually, I rely on my legal counsel. He</p> <p>14 did everything.</p> <p>15 Q. Do you understand that you're entitled to</p> <p>16 a portion of any proceeds that are generated, either</p> <p>17 from this lawsuit or from your patents?</p> <p>18 MR. CANNON: Objection, leading.</p> <p>19 A. Yes, I do.</p> <p>20 Q. Did you have any other way to monetize</p> <p>21 your patents when you sold it?</p> <p>22 MR. CANNON: Objection, leading.</p> <p>23 A. No.</p> <p>24 MR. FENSTER: Let me ask the court</p> <p>25 reporter to mark as Exhibit 25, a collection of</p>	<p style="text-align: right;">153</p> <p>1 ILYA GELLER</p> <p>2 It's my old Unisearch.</p> <p>3 Q. I'll represent to you, Mr. Geller, that</p> <p>4 these are printouts from the way back machine which</p> <p>5 is an Internet archive. Looking, for example, at the</p> <p>6 second page which is PA 1420, do you see that?</p> <p>7 A. 1420, yes, I do.</p> <p>8 Q. Does this look to be a copy of your</p> <p>9 website as it existed on November 28, 1999? And I'm</p> <p>10 referring to the date that's listed in the url at the</p> <p>11 bottom of the page?</p> <p>12 MR. CANNON: Objection, leading.</p> <p>13 A. Excuse me, I'm confused. Which date,</p> <p>14 this -- this one (indicating).</p> <p>15 Q. I am referring you to the url at the</p> <p>16 bottom which is http?</p> <p>17 A. This one. Uh-huh. Yes, exactly. Yes,</p> <p>18 it is. Yes.</p> <p>19 MR. FENSTER: Brian, as I mentioned</p> <p>20 during the break, the witness informed me that he's</p> <p>21 not feeling well and would like to adjourn soon. So</p> <p>22 I'm going to have to reserve my time. I had about</p> <p>23 50 minutes by my count or so. But out of respect for</p> <p>24 the -- the witness' request and your request to do</p> <p>25 another five minutes, I'm going to adjourn now and</p>

<p style="text-align: right;">154</p> <p>1 ILYA GELLER</p> <p>2 reserve my time for if and when the deposition is</p> <p>3 continued.</p> <p>4 MR. CANNON: Understood.</p> <p>5 REDIRECT EXAMINATION BY MR. CANNON:</p> <p>6 Q. Mr. Geller, counsel showed you a number</p> <p>7 of exhibits that appeared to reflect correspondence</p> <p>8 that you had either written or prepared to send out</p> <p>9 to people, potential investors or potential</p> <p>10 purchasers. Do you remember that -- those exhibits</p> <p>11 that we looked at, the correspondence? An example of</p> <p>12 which --</p> <p>13 A. Do you mean this one (indicating)?</p> <p>14 Q. No, prior to that. Exhibit --</p> <p>15 A. This one (indicating).</p> <p>16 Q. 21, yes, Exhibit 23, 21, Exhibit 18, a</p> <p>17 number of the correspondents.</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall the time frame that --</p> <p>20 in -- in which you sent out that correspondence?</p> <p>21 MR. FENSTER: Object to form.</p> <p>22 A. A few years, a few years. Many years.</p> <p>23 Many years. I believe I -- I began to send these</p> <p>24 letters as soon as my -- my program was ready and we</p> <p>25 decide unisearch.net was ready. I began to send it</p>	<p style="text-align: right;">156</p> <p>1 ILYA GELLER</p> <p>2 We are going off the record at approximately</p> <p>3 3:54 p.m., August 19, 2009.</p> <p>4 (Adjourned.)</p> <p>5 J U R A T</p> <p>6</p> <p>7 I, ILYA GELLER, the witness herein,</p> <p>8 having read the foregoing testimony of the pages of</p> <p>9 this deposition, do certify it to be a true and</p> <p>10 correct transcript, subject to the corrections, if</p> <p>11 any, shown on the attached pages.</p> <p>12</p> <p>13</p> <p>14 ILYA GELLER</p> <p>15</p> <p>16 Dated:</p> <p>17</p> <p>18</p> <p>19 sworn and subscribed before me</p> <p>20 on this day of , 2009.</p> <p>21</p> <p>22 Notary Public of the State of .</p> <p>23</p> <p>24 My commission expires on: ____</p> <p>25</p>
<p style="text-align: right;">155</p> <p>1 ILYA GELLER</p> <p>2 and not only these letters. I believe much more</p> <p>3 letters. I sent thousands of letters. I sent them</p> <p>4 thousands of places.</p> <p>5 Q. And over what period of time did you send</p> <p>6 those letters?</p> <p>7 A. Many years, for many years. I sent these</p> <p>8 letters for many, many years.</p> <p>9 MR. CANNON: I have no further questions</p> <p>10 at this time. And I appreciate working with counsel</p> <p>11 to schedule a follow-up deposition, if we can.</p> <p>12 MR. FENSTER: In light of -- many of the</p> <p>13 documents that were marked have been designated as</p> <p>14 attorneys eyes only by both sides or by various</p> <p>15 parties, so I propose -- let's provisionally mark the</p> <p>16 deposition as attorney's eyes only subject to review</p> <p>17 and designation upon review of the transcript.</p> <p>18 MR. CANNON: Okay, let's -- let's do</p> <p>19 that. I think only portions of it relate to</p> <p>20 attorneys eyes only, but that's after the fact we</p> <p>21 will figure that out.</p> <p>22 MR. FENSTER: I agree.</p> <p>23 THE VIDEOGRAPHER: This will end</p> <p>24 videotape number four of the deposition of Ilya</p> <p>25 Geller and conclude the recording of this deposition.</p>	<p style="text-align: right;">157</p> <p>1 ILYA GELLER</p> <p>2 E R R A T A</p> <p>3 STATE OF NEW YORK)</p> <p>4) ss:</p> <p>5 COUNTY OF NEW YORK)</p> <p>6 I wish to make the following changes, for</p> <p>7 the following reasons:</p> <p>8</p> <p>9 PAGE LINE</p> <p>10 ____ CHANGE: _____</p> <p>11 REASON: _____</p> <p>12 ____ CHANGE: _____</p> <p>13 REASON: _____</p> <p>14 ____ CHANGE: _____</p> <p>15 REASON: _____</p> <p>16 ____ CHANGE: _____</p> <p>17 REASON: _____</p> <p>18 ____ CHANGE: _____</p> <p>19 REASON: _____</p> <p>20 ____ CHANGE: _____</p> <p>21 REASON: _____</p> <p>22</p> <p>23</p> <p>24 WITNESS' SIGNATURE DATE</p> <p>25</p>

40 (Pages 154 to 157)